

Remarks

Claims 1-16 are pending in the subject application. By this Amendment, Applicants have canceled claims 7 and 15, amended claims 1, 3-6, 8, 9, 11-14, and 16, and added new claims 17-24. Support for the amendments and new claims can be found throughout the subject specification and in the claims as originally filed (see, for example, page 10, lines 5-10 and page 12, lines 16-25 of the as-filed specification). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-6, 8-14, and 16-24 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants have amended the subject specification and several of the pending claims to correct inadvertent typographical errors contained therein.

Claims 4, 5, 12, 13, 15, and 16 are objected to because of informalities. In regard to the objection to claims 4, 5, 12, and 13, the phrase “subset or microbial organisms” has been replaced with the language suggested by the Examiner. In regard to the objection of claims 7, 8, 15, and 16, the groups in claims 8 and 16 have been separated by a comma for consistency. Applicants note that claims 7 and 15 have been canceled. In regard to the objection to claims 8 and 16, the stray punctuation mark (period) has been removed. In addition, a period has been added to the end of claims 3 and 11. Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully assert that the claims as filed are definite. The Office Action indicates that there is insufficient antecedent basis for the limitation “the microbial flora” in claims 1 and 9. It is believed that this issue is now moot in view of the amendments made to the claims. The Office Action also states that claims 1-8 are unclear in regard to if the method is directed to a method of identifying active bioremediation pathways or a method of correlating the biomarkers with particular microbes. Claims 9-16 are unclear in regard to if the method is directed to identifying the microbial flora at a site or correlating biomarkers with components of a bioremediation pathway. Applicants have amended the claims to attend to this issue and thank the Examiner for her careful review of the claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lytle *et al.* (2001). Claims 1-7 and 9-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Elasri *et al.* (1999) and claims 1, 6, and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fathepure *et al.* (1991). Applicants respectfully assert that the references do not anticipate the claimed invention. Specifically, the references fail to teach contacting a microbial community at/in a subsurface site or in a down-well groundwater site. Additionally, it is respectfully submitted that none of the references teach that a sterile solid support loaded or coated with a substrate is to be incubated in a subsurface site or a down-well groundwater site for a period of time sufficient to establish a biofilm of microbes from the microbial community on the solid support. Thus, it is respectfully submitted that the subject invention is not anticipated by the cited references and reconsideration and withdrawal of the rejections is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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